

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

SUSAN WILLIAMS,)	
)	
Plaintiff,)	
)	No. 5:10-cv-473
vs.)	
)	
ABSOLUTE COLLECTION SERVICE,)	
INCORPORATED,)	JURY DEMAND ENDORSED HEREON
)	
Defendant.)	

COMPLAINT

NOW COMES the Plaintiff, SUSAN WILLIAMS, by and through her attorney, M. LYNETTE HARTSELL, and for her Complaint against the Defendant, ABSOLUTE COLLECTION SERVICE, INCORPORATED, Plaintiff alleges and states as follows:

PRELIMINARY STATEMENT

1. This is an action for actual and statutory damages for violations of the Fair Debt Collection Practices Act (hereinafter the "FDCPA"), 15 U.S.C. § 1692, *et seq.*

JURISDICTION AND VENUE

2. Jurisdiction arises under the FDCPA, 15 U.S.C. § 1692, *et seq.* Venue lies properly in this district pursuant to 28 U.S.C. § 1391(b), as a substantial part of the events and omissions giving rise to the claim occurred within this District.

PARTIES

3. Plaintiff is an individual who was at all relevant times residing in Franklinton, North Carolina.

4. Plaintiff is a “consumer” as defined in 15 U.S.C. § 1692a(3) and N.C. Gen. Stat. § 58-70-90(2), as she is a natural person allegedly obligated to pay a debt.

5. At all relevant times, Defendant acted as a “debt collector” within the meaning of 15 U.S.C. § 1692a(6) and as a “collection agency” within the meaning of N.C. Gen. Stat. § 58-70-90(1), in that it held itself out to be a company collecting a consumer debt allegedly owed by Plaintiff.

6. On information and belief, Defendant is a corporation of the State of North Carolina which has its principal place of business in Raleigh, North Carolina.

ALLEGATIONS

7. On or about April 26, 2010, Defendant mailed a letter to Plaintiff in an attempt to collect the aforementioned alleged debt. A copy of said letter is attached hereto as Exhibit 1.

8. In said letter (Exhibit 1 hereto), Defendant stated that Plaintiff had thirty (30) days to pay the alleged debt in order to “prevent further, more serious collection activity,” which overshadowed and/or was inconsistent with Defendant’s disclosure of Plaintiff’s right to dispute the alleged debt or to request the name and address of the original creditor.

9. On or about May 14, 2010, Defendant mailed another letter to Plaintiff in a further attempt to collect the alleged debt. A copy of said letter is attached hereto as Exhibit 2.

10. In said letter (Exhibit 2 hereto), Defendant threatened to report non-payment of the alleged debt to the national credit bureaus if the debt was not paid within ten (10) days, thus further overshadowing Plaintiff’s right to dispute the alleged debt or to request the name and address of the original creditor.

11. In its attempts to collect the aforementioned alleged debt, Defendant violated the FDCPA in one or more of the following ways:

- a. Participating in collection activities which overshadowed and/or were inconsistent with Plaintiff's right to dispute the debt or to request the name and address of the original creditor, in violation of 15 U.S.C. § 1692g(b); and
- b. By acting in an otherwise deceptive, unfair and unconscionable manner and failing to comply with the FDCPA.

12. As a result of Defendant's violations as aforesaid, Plaintiff has suffered and continues to suffer personal humiliation, embarrassment, mental anguish and emotional distress.

WHEREFORE, Plaintiff, SUSAN WILLIAMS, respectfully prays for a judgment against Defendant as follows:

- a. Statutory damages of \$1,000.00 for each violation of the FDCPA;
- b. All reasonable attorneys' fees, witness fees, court costs and other litigation costs incurred by Plaintiff; and
- c. Any other relief deemed appropriate by this Honorable Court.

JURY DEMAND

Pursuant to Civil Rule 38, Plaintiff hereby demands a trial by jury on all issues in this action, except for any issues relating to the amount of attorneys' fees and litigation costs to be awarded should Plaintiff prevail on any of her claims in this action.

Respectfully Submitted,

/s/ M. Lynette Hartsell

M. Lynette Hartsell (9845)

Attorney for Plaintiff

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